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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/783,339 | 02/20/2004 | Brian Smidt | 10646.399US01 | 6914 |

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07/28/2005

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EXAMINER

PAHNG, JASON Y

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/783,339 | Applicant(s) SMIDT ET AL. | |
| | Examiner Jason Y. Pahng | Art Unit 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 and 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-17 and 28-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 12 and 28, what is a width of opposite sides? Also, what is an aperture of opposite sides? Opposite sides ordinarily do not define a width or an aperture.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-15, 28-31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Zehr (US 2002/0056773).

With regard to claim 28, Zehr discloses a grinding machine including:

1. a mill box having opposite sides (46, 48);
2. a grinding drum (4);

3. an anvil (44, Figure 3; [0012]) having a solid construction (no through holes or other similar structures that may weaken the structural integrity) located adjacent to the grinding drum (4); and
4. the anvil (44, Figure 3; [0012]) having a length greater than the grinding width of the mill box (Figures 2 and 3).

With regard to claims 12 and 29, Zehr discloses a wedge shaped anvil ([0028]).

With regard to claim 13, Zehr discloses an anvil (44, Figure 3) having a solid construction.

With regard to claims 14 and 30, Zehr discloses clamp arms (60, Figure 3).

With regard to claims 15 and 31, Zehr discloses a conveyor feed table (Figure 3).

With regard to claim 34, Zehr discloses an anvil having a solid construction without structures which that weaken the structural integrity of the anvil (44).

Claims 28, 30, and 34 are, alternatively, rejected under 35 U.S.C. 102(b) as being anticipated by Mankoff (US 2,209,277).

With regard to claim 28, Mankoff discloses a grinding machine including:

1. a mill box having opposite sides (6);
2. a grinding drum (5);
3. an anvil (13, Figure 1) having a solid construction (no through holes or other similar structures that may weaken the structural integrity) located adjacent to the grinding drum (5); and
4. the anvil (13) having a length greater than the grinding width of the mill box (Figure 1).

With regard to claim 30, Mankoff discloses clamp arms (12) being configured to secure the ends of the anvil (13).

With regard to claim 34, Mankoff discloses an anvil having a solid construction without structures which that weaken the structural integrity of the anvil (13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehr (US 2002/0056773) in view of Hundt (US 5,975,443).

With regard to claims 16 and 32, Zehr discloses substantially all of the claimed structure with the exception of explicitly reciting a support surface for a feed table. In a closely related art, Hundt discloses a grinding machine with a support surface in order to support a feed table (3, Figure 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Zehr with a support surface in order to support a feed table, as taught by Hundt. With regard to the second support surface, Zehr discloses a support surface (18) for the anvil.

With regard to claims 15 and 31, Hundt already discloses a feed table (3, Figure 2).

Claims 17 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehr (US 2002/0056773) in view of Hundt (US 5,975,443) as applied above, further in view of Mankoff (US 2,209,277). Zehr (as modified) discloses substantially all of the claimed structure with the exception of the anvil support surface being located outside of the mill box. In a closely related art, Mankoff discloses an anvil support surface (the inner surface of the nut near 12) being located outside of the mill box in order to support the anvil from outside of the mill box. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Zehr (as modified) with an anvil support surface (the inner surface of the nut near 12) being located outside of the mill box in order to support the anvil from outside of the mill box, as taught by Mankoff.

Claims 12-15, 29, and 31 are, alternatively, rejected under 35 U.S.C. 103(a) as being unpatentable over Mankoff (US 2,209,277) in view of Zehr (US 2002/0056773).

With regard to claims 12 and 29, Mankoff discloses substantially all of the claimed structure with the exception of the anvil having a wedge shape. In a closely related art, Zehr discloses a grinding machine and teaches that a wedge shaped anvil is patentably equivalent with a round shape ([0028]). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Mankoff with a wedge shaped anvil because a wedge shaped anvil is patentably equivalent with a round shape, as taught by Zehr.

With regard to claim 13, Mankoff discloses an anvil (13) having a solid construction.

With regard to claim 14, Mankoff discloses clamp arms (12).

With regard to claims 15 and 31, Mankoff does not disclose a feed table, but Zehr discloses a feed conveyor table (Figure 3) in order to help provide continuous feeding. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Mankoff with a feed table in order to help provide continuous feeding, as taught by Zehr.

Claims 15-17 and 31-33 are, alternatively, rejected under 35 U.S.C. 103(a) as being unpatentable over Mankoff (US 2,209,277) in view of Zehr (US 2002/0056773) as applied above, further in view of Hundt (US 5,975,443).

With regard to claims 16 and 32, Mankoff (as modified) discloses substantially all of the claimed structure with the exception of a support surface for a feed table. In a closely related art, Hundt discloses a grinding machine with a support surface in order to support a feed table (3, Figure 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Mankoff (as modified) with a support surface in order to support a feed table, as taught by Hundt. With regard to the second support surface, Mankoff discloses an anvil support surface (the inner surface of the nut near 12).

With regard to claims 15 and 31, Hundt already discloses a feed table (3, Figure 2).

With regard to claims 17 and 33, Mankoff discloses an anvil support surface (the inner surface of the nut near 12) being located outside of the mill box.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP

A handwritten signature in black ink, appearing to read 'D. Banks', with a large, stylized flourish extending from the end of the signature.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700